

AMENDED IN SENATE JANUARY 7, 2010

AMENDED IN SENATE APRIL 22, 2009

SENATE BILL

No. 628

Introduced by Senator Ashburn

February 27, 2009

An act to add Section 22894 to the Government Code, relating to county employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 628, as amended, Ashburn. County employees: health benefit system.

The Public Employees' Medical and Hospital Care Act (PEMHCA) provides that an employee or annuitant is eligible to enroll in an approved health benefit plan, as specified. PEMHCA authorizes a contracting agency, as specified, to elect to become subject to the act, along with the agency's employees and annuitants. Existing law establishes certain minimum rates for contracting employer contributions in this regard and requires that the employer contribution be equal for both employees and annuitants.

This bill would permit a contracting agency of PEMHCA, *that is an instrumentality of either Placer County or Shasta County*, and the exclusive representative of employees of that agency to agree through collective bargaining that the employer contribution for employee and annuitant health benefits coverage for employees first hired on or after the effective date of a memorandum of understanding may differ from the employer contribution provided to existing employees and annuitants. The bill would provide that these provisions are not subject to labor negotiation impasse procedures. The bill would require a contracting agency that applies a different contribution rate to employees

not represented by a bargaining unit to certify that, with regard to those employees, there is not an applicable memorandum of understanding. The bill would provide that an agreement reached in this regard is not valid if it provides an employer contribution for employees with less than five years of credited service with the contracting agency.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Placer and Shasta.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22894 is added to the Government Code,
2 to read:
3 22894. (a) A contracting agency and the exclusive
4 representative of employees of that agency may agree through
5 collective bargaining that the employer contribution for employee
6 and annuitant health benefits coverage for employees first hired
7 on or after the effective date of a memorandum of understanding
8 may differ from the employer contribution provided to existing
9 employees and annuitants pursuant to Sections 22890 and 22892.
10 This issue may not be subject to labor negotiation impasse
11 procedures.
12 (b) If the memorandum of understanding establishes a retroactive
13 effective date, any employee who is first hired on or before the
14 date the memorandum of understanding is signed shall retain status
15 as an existing employee for purposes of determining eligibility for
16 postretirement health benefits coverage.
17 (c) If the contracting agency applies a different contribution
18 rate to employees not represented by a bargaining unit, the
19 contracting agency shall certify to the board that, with regard to
20 those employees, there is not an applicable memorandum of
21 understanding.
22 (d) An agreement reached pursuant to subdivision (a) is not
23 valid if it provides an employer contribution for employees with
24 less than five years of credited service with the contracting agency.
25 (e) The contracting agency shall provide, in the manner
26 prescribed by the board, notice of any agreement entered into
27 pursuant to this section and any additional information necessary
28 to implement this section.

1 (f) *This section shall only apply to contracting agencies that*
2 *are instrumentalities of either the County of Placer or the County*
3 *of Shasta.*

4 SEC. 2. *The Legislature finds and declares that a special law*
5 *is necessary and that a general law cannot be made applicable*
6 *within the meaning of Section 16 of Article IV of the California*
7 *Constitution because of the limited health care options available*
8 *to public employees employed by agencies that are*
9 *instrumentalities of the Counties of Placer and Shasta.*

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